

### Remarks

#### *I. Specification*

The Examiner has objected to the specification as introducing new matter. However, Applicant states that all matter has been previously disclosed in the provisional and the regular utility case claiming priority to the provisional.

A) Paragraphs 17, 19 and Drawings: Multiple Segments that form each of the original collapsible side rails 26. The Examiner has rejected paragraphs 17 and 19 as not being previously disclosed in the parent cases. However, applicant respectfully disagrees. Applicant refers Examiner to Figures 9 and 12 of the provisional application which shows the side rails being composed of multiple segments.

B) Paragraphs 17, 18 and Drawings - Collapsible rails being attached by hinge bars; Track elements hingedly affixed to the connecting members. The Examiner has rejected paragraphs 17 and 18 because these paragraphs make reference to the collapsible rails being attached by hinge bars and the track elements being hingedly affixed to the collapsible rails and the Examiner has stated that such information has not been previously disclosed. Applicant refers the Examiner to Figure 13 which shows the side view of the collapsible rails. At the connection point between the collapsible rail and the track elements, a pin is shown demonstrating a hinged connection between the track element 36 and the collapsible rail 44. Furthermore, Figure 4 illustrates the collapsible rail in the folded down position further demonstrating a hinged (or pivotally affixed connection) between the collapsible rail 44 and the track element 36.

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C) Paragraph 20: latching areas defined by recesses. The Examiner has rejected paragraph 20 as introducing new matter by referring to the latching areas defined by recesses. However, Applicant respectfully disagrees. Element 44 in Figure 9 the provisional clearly shows the latching area. Furthermore, on page 2 of the provisional, the following statement is made "[f]urther, a plurality of retention openings 44 are recessed into the "B" and "C" pillars of the vehicle, which can retain a clip or hook such as may be attached to a bungee cord to again assist in retaining cargo."

## II. Claims

The Examiner has further objected to the claims as introducing new matter. However, Applicant states that all matter has been previously disclosed in the provisional application and the regular utility case claiming priority to the provisional.

### A. Claim 35

The Examiner has rejected claim 39 as introducing new matter. However, applicant respectfully disagrees. Claim 35 is as follows:

A re-configurable vehicle roof rack system comprising:

a collapsible storage surface movable between a first position and a second position, the collapsible storage surface having a closed position and a deployed position;

a first guide rail and a second guide rail affixed to the vehicle roof;

a first connecting member moveably affixed to the first guide rail and hingedly connected to the storage surface;

a second connecting member moveably affixed to the second guide rail and hingedly connected to the collapsible

storage surface wherein the first and second connecting members slide along the first and second guide rails to move the storage surface between a first position generally coincident with a roof of a vehicle and a second position wherein the collapsible storage surface being generally coincident with a lateral side of a vehicle and while in the deployed position serve as a mounting surface on the side of a vehicle.

With respect to the first element of the claim, the collapsible storage surface moveable between a first and second position. Applicant refers Examiner to pages 2-3 of the provisional along with Figure 8-14 of the provisional in addition to Figures 1 and 2 of the parent case. The first position being parallel to the roof and the second position being perpendicular to the roof and alongside the vehicle.

With respect to the second elements, the first and second guide rails, applicant respectfully refers Examiner to elements 57 and 38 in Figures 1 and 2 of the parent case along with Figures 11 and 13 of the provisional patent application where the guide rails are shown.

With respect to the third and fourth recited elements - first and second connecting members, Figures 8 and 13 of the provisional shows the connecting member which has been slid to the end of the guide rail and is pivotally connected to the collapsible storage surface. Furthermore, the second full paragraph on page 2 of the provisional indicates that the "roof rack system 30 preferably has a pair of rearward portions 32, 34 which may be slid along tracks 36 from a storage position (generally parallel to the roof of the vehicle, as shown in Figure 8a) to a deployed position (generally parallel to the side of the vehicle, as shown in Figure 8b).

Moreover, the last section of claim 35 indicates "collapsible storage surface being generally coincident with a

lateral side of a vehicle and while in the deployed position serve as a mounting surface on the side of a vehicle" This section of the claim is supported by the first paragraph of page 3 of the provisional patent application which states: "When the basket system is deployed, the rear portions 32, 34 of the basket can slide down the tracks 36 on the roof and lock down on the side of the vehicle. This allows cargo mounted on the roof to be accessed at the side of the vehicle ~~-or cargo can be mounted and stored on the side of the~~ vehicle."

B. Claim 37

Claim 37 states: The re-configurable vehicle roof rack system defined in claim 36 wherein the at least one mounting element further includes a recess for receiving a bungee cord. Again, the Examiner has indicated that this claim introduces new matter. However, Applicant respectfully disagrees and refers Examiner to Figure 9 of the provisional and more specifically, Element 44 shown in the image in addition to referring Examiner to the last sentence in the second full paragraph on page 2 which states "Further, a plurality of retention openings 44 are recessed into the 'B' and 'C' pillars of the vehicle, which can retain a clip or hook, such as may be attached to a bungee cord to again assist in retaining cargo."

provisional  
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mount is guide rail?

C. Claim 38

The Examiner has rejected claim 38 as introducing new subject matter. Claim 38 is restated below.

Claim 38 (previously presented). The re-configurable vehicle roof rack system defined in claim [36] 35 further comprising a first track element and a second track element defining the lateral edges of the storage surface;

a hinge bar affixed between the first track element and the second track element; and

a collapsible rail hingedly affixed to the hinge bar wherein the collapsible rail folds down to provide for the mounting of oversized objects along the top of the vehicle when the storage surface is in the first position.

For the reasons recited in Section I(A) and I(B) above, Applicant respectfully disagrees with the Examiner that Claim 38 introduces new matter.

D. Claim 39

Claim 39 (Previously Presented): The re-configurable vehicle roof rack system defined in claim 38, wherein the collapsible rail is raised when the collapsible storage surface is deployed along the side of the vehicle whereby the collapsible is operative to vertically support objects mounted on the deployed storage surface.

The Examiner has rejected claim 39 as also disclosing new matter. Again Applicant respectfully disagrees as Figure 9 of the provisional shows the collapsible rail in the raised position which would thereby provide vertical support to objects mounted on the deployed storage surface. This configuration is also demonstrated in Figures 2 and 3 of the parent case to the present application.

**IV. Section 102 Rejection**

The Examiner has rejected claims 35-37 as being anticipated by US Patent No. 6,338,427 issued to Aftanas. Applicant respectfully disagrees as the Aftanas patent fails to disclose a roof rack system which allows a user to store items on the top of the vehicle in addition to very long items, such as a kayak, on the side of vehicle. In contrast

to the present invention, once the system in Aftanas is deployed one can only mount objects on the rear of the vehicle and even then, the objects mounted on the rear of the vehicle can only have a certain length (i.e. the width of the vehicle) to avoid interference with other vehicles on the road.

**V. Section 103 Rejection**

The Examiner has also rejected claims 35-39 as being obvious in view of the Aftanas patent (US 6, 338,427) and GB 1,043,227. For the reasons recited above, the Aftanas patent and the '227 British patent, in combination, fail to disclose the elements of the present invention.

### CONCLUSION

No other art is cited in the Office Action. Based on the foregoing comments, the above identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,

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